

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Jesus Alberto Valdez-Leyva, )

a.k.a.: Jesus Carrillo-Ontiberos, )

a.k.a.: Jesus Alberto Valdez Leyva, )

(A208 184 267) )

Defendant

Case No. 17-9469 MJ

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of February 9, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jesus Alberto Valdez-Leyva, an alien, was found in the United States of America at or near Phoenix in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about May 16, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Sheila A. Phillips

☒ Continued on the attached sheet.

Complainant's signature

Gilbert V. Longoria,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 22, 2017

Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,  
United States Magistrate Judge

Printed name and title

### STATEMENT OF PROBABLE CAUSE


I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On February 9, 2017, Jesus Alberto Valdez-Leyva was arrested by the Chandler Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at MCJ, Valdez-Leyva was examined by ICE officer E. Gober who determined Valdez-Leyva to be a citizen of Mexico, illegally present in the United States. On the same date an immigration detainer was lodged with the county jail. On the September 22, 2017, Valdez-Leyva was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Valdez-Leyva was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Jesus Alberto Valdez-Leyva to be a citizen of Mexico and a previously deported criminal alien. Valdez-Leyva was removed from the United States to Mexico through Del Rio, Texas, on or about May 16, 2016,

pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Valdez-Leyva in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Valdez-Leyva's immigration history was matched to him by electronic fingerprint comparison.

4. On September 22, 2017, Jesus Alberto Valdez-Leyva was advised of his constitutional rights. Valdez-Leyva freely and willingly acknowledged his rights and agreed to provide a statement under oath. Valdez-Leyva stated that his true and complete name is Jesus Alberto Valdez-Leyva, and that he is a citizen of Mexico. Valdez-Leyva stated that he illegally entered the United States near "Sonoyta, Sonora, Mexico," on or about "Mayo 2016." Valdez Leyva further stated that he had been removed from the United States to Mexico on two (2) occasions, and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about February 9, 2017, Jesus Alberto Valdez-Leyva, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States to Mexico through Del Rio, Texas, on or about May 16, 2016, and not having

obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

  
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Gilbert V. Longoria,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 22<sup>nd</sup> day of September, 2017.

  
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Eileen S. Willett,  
United States Magistrate Judge